

1 GEOFFREY HANSEN
2 Acting Federal Public Defender
3 Northern District of California
JOYCE LEAVITT
4 Assistant Federal Public Defender
13th Floor Federal Building - Suite 1350N
1301 Clay Street
5 Oakland, CA 94612
Telephone: (510) 637-3500
6 Cellular telephone: (415) 517-4879
Email: joyce_leavitt@fd.org
7

8 Counsel for Defendant HAL
9

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13
14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 v.
17 D'MARCO HAL,
18 Defendant.

Case No.: CR 20-471 YGR

**DECLARATION OF MADELINE
LARSEN IN SUPPORT OF
DEFENDANT'S SENTENCING
MEMORANDUM AND MOTION FOR
DOWNWARD VARIANCE**

Court: Courtroom 1, 4th Floor
Hearing Date: June 24, 2021
Hearing Time: 9:00 a.m.

I, MADELINE LARSEN, declare the following:

1. I am a staff investigator with the Office of the Federal Public Defender in Oakland, California. I have worked at the Federal Public Defender since 1997. Our office was appointed to represent D'Marco Hal ("Hal"), and I am the investigator assigned to his case. I have personal knowledge of the facts stated in this declaration, except as to those matters stated on information and belief, and would testify competently to these facts if called as a witness.

1 2. As part of my duties, I was asked to interview witnesses and obtain documentation
2 regarding Mr. Hal's background and upbringing. This declaration includes
3 information provided by Mr. Hal's aunt, Shameeka Hayes, and the mother of Mr.
4 Hal's child, Jeresia Caldwell.

5 **SHAMEEKA HAYES INTERVIEW**

6 3. On May 26, 2021, I spoke with Shameeka Hayes ("Hayes"), who is a cousin to
7 D'Marco Hal's mother Shavonda Miles ("Miles"), and who helped care for Hal when
8 he was young. Hal and Hayes have maintained a close relationship from his
9 childhood through the present day. Hayes provided the following information
10 regarding Hal and his upbringing and character.

11 4. Hayes has known Hal's mother Miles since she was young and has known Hal his
12 entire life. Hayes said that Hal had a "rough childhood – really rough." He was born
13 when his mother was about sixteen years old and "she had no guidance on how to
14 raise" him and "no one to show her how to raise kids." Hal ended up being the one
15 who had to "navigate and figure out how to do for himself and his younger brothers.
16 He was the big brother, the father figure and the oldest."

17 5. While Hal's mother was present, she was not able to provide a safe or stable living
18 situation. Hal witnessed his mother being abused by her boyfriends including one
19 boyfriend who left her with broken bones. He and his brothers had no supervision. It
20 was as if Miles didn't know what to do with the three boys and they were left to fend
21 for themselves.

22 6. Hayes said that Miles was often homeless, and if not homeless, was just moving from
23 place to place. She was a very heavy drinker and at one point in time she was on
24 drugs.

25 7. Miles lived with her own mother when Hal was born. Then, after Hal's grandmother
26 died, it was as if Miles was "just done." She was on her own with him, too young and
27 on drugs and alcohol. Hayes said it was a bad situation.

28 8. Hayes said that Hal's father was on drugs, in and out of jail, and never there. Hayes

1 said sometimes would run into him and he was usually homeless and on drugs. He
2 wasn't in a position to be a father or take care of his children.

3 9. Hal took good care of his younger brothers from a very young age. He got them up,
4 fed, and ready for school. He would take them to school or make sure they got on the
5 bus. Hal did the cooking and made sure that they ate and that their clothes were "nice
6 and neat and presentable." Hal would also take them to church.

7 10. By ten years old, Hal was the one taking care of his brothers. Hayes said she would
8 see him and his brothers out on the streets of Oakland alone. Hayes said that if you
9 saw them, you would wonder what they were doing on 98th Avenue without their
10 mom. But she said, that they would just be going about their business. "Everyone
11 knew the Hal brothers. They were always out and about."

12 11. Hayes said that for a time, Hal lived with her when he was in about eighth grade. He
13 had gotten in trouble and had to go to court. He did very well while he lived with her.
14 His grades improved and he did all of his homework. He seemed to really thrive in
15 Hayes' care. She said, "There was structure. He liked the structure. He appreciated it.
16 He followed the rules of his ankle monitor and the court." At the beginning, the court
17 did not allow him to have any visitation with his mother. That was the time he did the
18 best. When the court started to allow him to see Miles, and later to have weekend
19 visits, his behavior started to worsen. Eventually he was not able to stay with Hayes
20 because she had her own small children in the home. Hayes tried to get the court to
21 not allow Miles any access to him, but was unsuccessful. Hayes said she loves her
22 cousin, Miles, but knew it would be bad for Hal to live with his mother. Hayes said
23 that recently, Miles has started to get her life together. Even still, when Hal was last
24 released from jail, he chose to stay with Hayes instead of his own mother because
25 Hayes' home is still a much more stable environment.

26 12. Hayes said Hal is a great father to his son. He teaches him "all the little things" he
27 needs to do. He tries to be present and spend time with him. He gets him up, dresses
28 him, takes him to buy clothes, and feeds him – he does the things that a parent does

1 with his child. Hayes said she “was surprised to see him to be that kind of a parent to
2 him and show him the love and affection...For D’Marco to have no real guidance
3 when he was young, he has been doing pretty well with his own son.” Hayes said that
4 Hal’s son loves him and is his driving force.

5 13. Hayes said Hal was doing well in Barber College and she overheard his teachers
6 complimenting him stating “he had a natural knack for doing hair” and “he’s a
7 natural.” Hayes said that Hal definitely wants to finish the course when he gets out
8 because he was really enjoying it.

9 14. When asked what else Hayes had to offer about Hal, she replied, “He is really a good
10 kid who was dealt a bad hand. I know that he keeps getting in trouble, but to me I see
11 someone different. He is so respectful. He just got lost in the streets. And his mom
12 drove a wedge between [Hal and Hayes] after he went back to his mom. He didn’t
13 have anyone to show him the way. He’s a good kid. He really is. He just has to get
14 away from certain people and needs a really good mentor.”

15 15. Hayes still believes that Hal can have a successful future and get his life together. “He
16 has potential. He’s smart and talented. I think he draws still. I know he loves cutting
17 hair. He is talented in multi ways.” Hayes thinks that it would be good for Hal to
18 leave the Bay Area and get a fresh start.

19 16. Hayes said that Hal blames himself for his troubles, but that she doesn’t see it that
20 way. “It’s just the hand he’s been dealt and it sucks. These kids get caught up in all
21 these things, these gangs, looking for what they’re lacking at home and they get
22 stuck. It’s hard for them when it comes to that. It’s sad that he’s the one going
23 through these things, but he has great potential. He really does.”

24 **JERESIA CALDWELL INTERVIEW**

25 17. On May 26, 2021, I spoke with Jeresia Caldwell (“Caldwell”) by telephone. She
26 provided the following details about D’Marco Hal. Caldwell, who is currently 23
27 years old, met Hal when they were both approximately sixteen years of age. They
28 attended different high schools, but met through their participation in an afterschool

1 program called Reach. Caldwell said they became “best friends” first and eventually
2 began a dating relationship. They have one son together, named D’Marco after his
3 father, who is currently four years old. Caldwell is currently in school studying to
4 become a medical administrative assistant.

5 18. When Caldwell met Hal, he was living in Oakland with his mother and two younger
6 brothers, but his family was struggling financially. Caldwell said that before she met
7 Hal, he and his family did not have stable housing and were “always in and out of
8 shelters.” Soon after they met, his mother lost her place to live and then Hal was back
9 in the streets, staying with friends and family. Caldwell said that for someone in Hal’s
10 situation, in order to find a place to sleep at night, you have to be outside in the
11 streets, looking for friends who could maybe let you sleep at their house that night. It
12 took a long time before Hal’s mother found a place to live again.

13 19. Caldwell said that when she met Hal, his mother was an alcoholic, “not a bad
14 alcoholic who took it out on her kids. She was just a regular drunk.” She described
15 the situation as one where his mother was able to buy groceries for them, but “other
16 than that, they were on their own.” Caldwell said that Hal was the primary caretaker
17 for his younger brothers.

18 20. Caldwell described Hal as filling the role of parent to his younger siblings and
19 remembers that Hal always had his youngest brother on his hip. Hal had to drop off
20 and pick up his brothers from school and watch over them after school.

21 21. During the time when the family was homeless, and when Hal was about 19 years
22 old, his middle brother accidentally shot himself with a handgun and died. Caldwell
23 said that Hal’s brother was only seventeen when he died and had been homeless for
24 some time, sleeping in cars and at friends’ homes, before died. Caldwell said Hal was
25 heavily impacted by the death of his brother and she feels he would benefit from
26 therapy to help him with his deep grief. Hal has talked with Caldwell recently about
27 going to therapy and she has even offered to go with him if he doesn’t want to go by
28 himself.

22. Caldwell described Hal's childhood and adolescence as one where Hal was faced with "Being homeless, mom and dad not really there for him. Dad not there at all – in jail and doing drugs. Mom working and alcoholic and nowhere to go. They were just in the streets and trying to survive." Caldwell described Hal as a really good person and a great dad, but she also understands why he is where he is today and said that it is normal for someone like Hal to spend his life in the "streets because you have to fend for yourself when you don't have nobody and nothing."

23. Caldwell and Hal have a four year old son and Caldwell said “D’Marco is a great dad. I’m amazed. I didn’t know he was going to be such a good dad.” Hal, who was incarcerated when his son was born, came home and “dedicated himself to his son.” Hal is very involved in caring for their son and takes care of him when Caldwell is working. Caldwell said Hal loves being a father and he wants to take good care of her and his family.

24. Caldwell said that before Hal was arrested, he had enrolled in barber college and was doing really well and enjoying the program. Caldwell said Hal already had experience doing hair and he was talented so she encouraged him to sign up. When Hal is released from custody, he hopes to complete his training.

25. Caldwell said she believes Hal can change his life for the better and said what he needs to succeed is to finish barber school, move to Nevada and get out of California, get a job, and start a new life. Caldwell plans to move to Nevada with Hal and their son and set up a new life in Nevada once he gets released from custody on this case. Caldwell said she is there to guide him in the right direction.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on June 17, 2021, in Oakland, California.

/s Madeline Larsen
MADELINE LARSEN